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NORWAY, N-013-0
NORWAY

MAILED

AUG 11 2009

OFFICE OF PETITIONS

In re Application of Knarvik	:	
Application No. 10/595,760	:	Decision on Petition
Filing Date: June 1, 2006	:	
Attorney Docket No. P17596USPC	:	

This is a decision on the petition filed November 28, 2008, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted.

The Office mailed a non-final Office action on April 9, 2008, setting forth a three-month period for reply. The Office did not receive a reply or a request for an extension of time. As a result, the application became abandoned on July 10, 2008. The Office mailed a Notice of Abandonment on November 21, 2008.

Petitioner requests withdrawal of the holding of abandonment based on non-receipt of the Office action.

Petitioner has submitted a document petitioner indicates is a master docket.

MPEP 711.03(c)(I)(A) states, with emphasis added,

[A]n allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action....

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the *master docket* for the firm. That is, if a three month period for reply was set in the nonreceived Office action, *a copy of the master docket* report showing all replies docketed for a date three months from the mail date of the nonreceived Office action *must be submitted* as documentary proof of nonreceipt of the Office action. *If no such master docket exists, the practitioner should so state* and provide other evidence

such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has submitted a document petitioner indicates is a master docket. However, the document is not a master docket as defined in MPEP 711.03(c)(I)(A). Specifically, the "master docket" provided does not show all replies docketed for a date three months from the mail date of the April 9, 2008, non-final Office action. Therefore, the petition cannot be granted.

Any request for reconsideration under 37 CFR 1.181 should include a copy of the relevant portion of a master docket, as defined in MPEP 711.03(c)(I)(A), or state the law firm does not maintain such a docket.

If mail is not received because a party has provided the Office with an incomplete address, then withdrawal of the holding of abandonment is unwarranted. The record indicates the correspondence address provided by petitioner may be incomplete.

The address of record is the address associated with Customer No. 29078 which is:

CHRISTIAN D. ABEL
ONSAGERS AS
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NORWAY, N-013-0
NORWAY

The address above is listed as follows on the petition:

ONSAGERS AS
Universitetsgt. 7
Pb. 6963 St. Olavs Plass
0130 Oslo
[NORWAY]

The customer number address does not include any reference to "Universitetsgt. 7." The customer number address does not include the city of "Oslo." The zip code in the customer number address is listed as "N-013-0" instead of "0130."

Since the address supplied to the address as the customer number address appears to be incomplete, the petition cannot be granted. Any request for reconsideration under 37 CFR 1.181 must establish the address associated with the customer number is complete and correct.

As a courtesy, the Office is mailing a copy of this decision to the address associated with customer number 29078 (address of record) and the similar address on the petition. However, all future correspondence will only be mailed to the address of record.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied

by the required reply (copy of the non-final Office action is enclosed), the required petition fee (\$810 for a small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. A copy of a PDF "fillable" 37 CFR 1.137(b) form can be found at:
http://www.uspto.gov/web/forms/sb0064_fill.pdf.

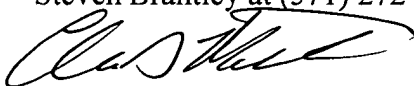
Unless filed by EFS Web, further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
 Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
 Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosed: Copy of papers mailed by Office on April 9, 2008

cc: Onsagers As
 Universitetsgt. 7
 Pb. 6963 St. Olavs Plass
 0130 Oslo
 NORWAY



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,760	06/01/2006	Jonas Min Knarvik	P17596USPC	6183
29078	7590	04/09/2008		
CHRISTIAN D. ABEL ONSAGERS AS POSTBOKS 6963 ST. OLAVS PLASS NORWAY, N-0130 NORWAY			EXAMINER VANAMAN, FRANK BENNETT	
			ART UNIT	PAPER NUMBER
			3618	
			MAIL DATE	DELIVERY MODE
			04/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/595,760	KNARVIK, JONAS MIN	
	Examiner	Art Unit	
	Frank B. Vanaman	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/3/06</u> . | 6) <input type="checkbox"/> Other: ____. |

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. Applicant's Information Disclosure Statement, filed Aug. 3, 2006, has been considered.

Specification

3. The abstract of the disclosure is objected to because (1) it should be provided on a separate sheet containing only the abstract and (2) the text of the provided abstract is too long. Correction is required. See MPEP § 608.01(b).
4. The specification as filed lacks the headings preferred in the framing of a U.S. Patent application. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

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- (I) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

5. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with confusing and indefinite language as well as terms lacking a clear antecedent basis or inconsistent recitations. Examples of confusing language in applicant's claims follow:

In claim 1, lines 1-2, it is not clear what surface is being referred to by "also on another surface"; in claim 1, lines 4-5, "the curved front surface" lacks a clear antecedent basis as does "the surface for the board" (line 6), "the front edge" (line 8), "the side areas" (line 10), "the central region (line 15 - apparently referring to the top board for which a central region was not initially recited); "the underlying area" (lines 17-18); "the central area" (line 22 - it appears as though this may be a reference to the 'central portion'); "the transition" (line 25); "the substantially curved face part" (lines 26-27). Regarding claims 1 and 3, the phrases "preferably also" (claim 1, line 8; claim 1, line 19), "preferably" (claim 11, line 2), and "for example" (claim 3, line 4) render the claims indefinite because it is unclear whether the limitation(s) following the phrases are part of the claimed invention. See MPEP § 2173.05(d). In claim 1, line 10, it is not clear precisely how the recited depressions are to be likened to a well (also note claim 4, lines 1-2) or which attributes of a well are and are not to be applied to the recitation; note a similar condition with "saddle-like" in claim 8); in claim 1, line 16, it is not clear whether or not the "airtight bag" is the same as the "air bag" recited in claim 11; in claim 1, line 17, it is not entirely clear in what way the recited cut out is 'similar' to the recited depression; in claim 1, line 21, it is not clear how the use of "advantageously" modifies the recitation; in claim 2, lines 2-3, it is not clear whether or not the material presented in parentheses is intended to form a part of the recitation or not; in claim 3, lines 2-3, "the fastening means" lacks a clear antecedent basis; regarding claim 10 (see line 4), the

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phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

This is not an exhaustive listing, rather it is an exemplary listing only. Each and every claim should be carefully reviewed and revised for clarity under 35 USC §112 second paragraph.

6. The examiner notes that the pending claims are replete with numerous instances of unclear language, and applicant is reminded that rejections under 35 USC §102 and 103 should not be based upon considerable speculation as to the meaning of the terms employed and assumptions as to the scope of the claims when the claims are not definite. See *In re Steele* 305 F.2d 859, 862, 134 USPQ 292, 295 (CCPA 1962). When no reasonably definite meaning can be ascribed to certain terms in a claim, the subject matter does not become anticipated or obvious, but rather the claim becomes indefinite. See *In re Wilson* 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). As such, the currently pending claims may be subject to prior art rejections not set forth herein upon the clarification of the claim language.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 3, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Echols (US 5,083,955). Echols teaches a device for securing a towing line (15) or rope to a device (12) that is to be towed or pulled across a surface (figure 1), characterized in that the fastening means consists of a slot (34) formed at the front end of the device (12), having an enlarged area (at the rear of 34) for insertion of an enlarged end piece (31) mounted on an offshoot (33) of the towing line.

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Allowable Subject Matter

9. Claim 1, as best understood, would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

10. Claims 2 and 4-11, as best understood, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dallera et al. (US 3,455,571, Cashmere (US 4,561,664), Morris (US 4,669,992), Chi-Hung (US 4,807,554), Maass (US 4,928,983), Churchill (US 5,713,773), Peterson (US 6,171,161), Van Gelder (US 6,477,976), and Fireman et al. (US 6,623,018) teach recreational devices of pertinence.

12. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618

/Frank B Vanaman/
Primary Examiner, Art Unit 3618

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Number	10/595,760
Filing Date	10 May 2006
First Named Inventor	Knaus
Art Unit	
Examiner Name	
Attorney Docket Number	P17596 USPC

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Notice of References Cited	Application/Control No. 10/595,760	Applicant(s)/Patent Under Reexamination KNARVIK, JONAS MIN	
	Examiner Frank B. Vanaman	Art Unit 3618	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-3,455,571	07-1969	DALLERA GIANCARLO; et. al.	280/18
*	B	US-4,561,664	12-1985	Cashmere, Raymond A.	280/18
*	C	US-4,669,992	06-1987	Morris, Richard M.	441/65
*	D	US-4,807,554	02-1989	Chi-Hung, Tseng	114/345
*	E	US-4,928,983	05-1990	Maass, Freimut	280/18
*	F	US-5,083,955	01-1992	Echols, Donald G.	441/65
*	G	US-5,713,773	02-1998	Churchill, Robert Lee	441/66
*	H	US-6,171,161	01-2001	Peterson, Leroy L.	441/130
*	I	US-6,477,976	11-2002	Van Gelder, Terry L	114/253
*	J	US-6,623,018	09-2003	Fireman et al.	280/18
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.